

Fox

Exelon[™]Business Services
Group

Date: February 28, 2003
To: Mark Patricoski
Fax: 630-690-9652

Transmittal Sheet Plus 3 Page

From: Richard Bernet

Location: Legal Services, 35th Floor
10 South Dearborn Street
P.O. Box 805379
Chicago, IL 60680-5379
35 SW CHQ - Legal

Telephone: (312) 394-3623
Fax No: (312) 394-3950
Email: richard.bernet@exeloncorp.com

MESSAGE:

Please find attached a letter re: Jays Foods LLC v. Commonwealth Edison Company.

CS2315

PART 5



Business Services
Company

Legal Services
Business Services Company
10 South Dearborn Street, 35th Floor
Chicago, IL 60603

Telephone 312-394-5400
Fax 312-394-3950
www.exeloncorp.com

Mail To: P.O. Box 805379
Chicago, IL 60680-5379

Writer's Direct Contact Information

Direct Dial: (312) 394-3623

Facsimile: (312) 394-3950

E-mail: richard.bernet@exeloncorp.com

February 28, 2003

Via Facsimile 630-690-9652

Mark Patricoski

Guerard, Kalina and Butkus

100 W. Roosevelt Rd.

Suite A-1

Wheaton, IL 60187

**RE: Jay Foods LLC v. Commonwealth Edison Company
ICC Informal Complaint No. 2002-328175**

Dear Mark:

As we discussed today, I am writing to inform you of Commonwealth Edison Company's ("ComEd") response to the referenced complaint. Jays Foods claims that ComEd incorrectly billed Jays for certain electrical demand charges since May, 1999. Jays claims that the cause of incorrect billing is "meter failure and/or billing mistakes".

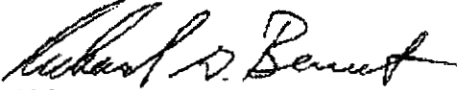
As you know, ComEd removed the meter at issue (meter number 086130953) on November 14, 2002. ComEd tested the meter, the results of which indicate that it was operating within accepted parameters under Illinois law. I attach a copy of the test results. Therefore, ComEd concludes that the meter accurately measured the electrical demand placed on its system by Jays. We are willing to again test the meter in the presence of Jays' experts and/or an official from the Illinois Commerce Commission. In addition, if Jays would like to perform its own test of the meter in the presence of ComEd, we will consider such request. We have also confirmed that the billing attributes associated with this meter were correct and that the charges that appear on Jays' bills are accurate. Based upon this information, no credit is due Jays Foods at this time.

As we also discussed today, when ComEd visited the Jays' plant in early November, Mr. Mayer pointed out that the ground fault indicator warning lights on Jays' 480v ungrounded service were not operable. The lights were, however operating when ComEd visited the plant in December. If Jays establishes that an improper wiring ground resulted in the usage pattern in dispute, ComEd,

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while it is not required to, may re-evaluate Jays' claim for a potential ground adjustment credit.
Please contact me if you would like to further discuss this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard G. Bernet".

Richard G. Bernet
Assistant General Counsel, Regulatory